

NAP/lmf

11593-56070

#408875

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CITY OF MIDDLETOWN, MARLINDA DUNCANSON,
INDIVIDUALLY AND IN HER OFFICIAL CAPACITY
AS MAYOR OF THE CITY OF MIDDLETOWN,
ROBERT MOSON, IN HIS OFFICIAL CAPACITY
AS PRESIDENT OF THE COMMON COUNCIL OF
THE CITY OF MIDDLETOWN, MAXINE MEYER,
INDIVIDUALLY AND IN HER OFFICIAL CAPACITY
AS A MEMBER OF THE COMMON COUNCIL OF THE
CITY OF MIDDLETOWN, JAMES ROLLINS,
INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY
AS A MEMBER OF THE COMMON COUNCIL OF THE
CITY OF MIDDLETOWN, THOMAS J. BURR, IN HIS
OFFICIAL CAPACITY AS A MEMBER OF THE COMMON
COUNCIL OF THE CITY OF MIDDLETOWN,
JOHN VANDERVOORT, IN HIS OFFICIAL CAPACITY
AS A MEMBER OF THE COMMON COUNCIL OF THE CITY
OF MIDDLETOWN, GERALD KLEINER, IN HIS
OFFICIAL CAPACITY AS A MEMBER OF THE COMMON
COUNCIL OF THE CITY OF MIDDLETOWN, RAYMOND
DEPEW, IN HIS OFFICIAL CAPACITY AS A MEMBER
OF THE COMMON COUNCIL OF THE CITY OF
MIDDLETOWN, AND JOEL SIERRA, IN HIS OFFICIAL
CAPACITY AS A MEMBER OF THE COMMON COUNCIL
OF THE CITY OF MIDDLETOWN,

AFFIDAVIT OF SERVICE

07 CV 6572 (CLB)

State Court Index
No.: 2007/6035

Petitioners,

-against-

PENCOR-MASADA OXYNOL, LLC,

Respondent.
-----X

STATE OF NEW YORK)

) ss.:

COUNTY OF ORANGE)

JOSEPH A. CATANIA, JR., ESQ., an attorney, duly affirms under penalty of perjury as follows:

1. I am not a party to the action, am over 18 years of age and reside at 628 River Road, Newburgh, New York.

NAP/lmf

11593-56070

#408875

2. On July 23, 2007, I served a true copy of the annexed DECLARATION OF COUNSEL by delivering the same personally to the persons at the address indicated below:

TO: Michael Murphy, Esq.
Attorney for City of Middletown, et al.
At the Supreme Court
Hon. Joseph G. Owen's Courtroom
Goshen, New York

Dated: Newburgh, New York
July 26, 2007



JOSEPH A. CATANIA, JR., ESQ.

NAP/lmf

11593-56070

#408873

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CITY OF MIDDLETOWN, MARLINDA DUNCANSON, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS MAYOR OF THE CITY OF MIDDLETOWN, ROBERT MOSON, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, MAXINE MEYER, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS A MEMBER OF THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, JAMES ROLLINS, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, THOMAS J. BURR, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, JOHN VANDERVOORT, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, GERALD KLEINER, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, RAYMOND DEPEW, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, AND JOEL SIERRA, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN.

AFFIDAVIT OF SERVICE

07 CV 6572 (CLB)

State Court Index
No.: 2007/6035

Petitioners.

-against-

PENCOR-MASADA OXYNOL, LLC.

Respondent.

STATE OF NEW YORK)

) \$\$.:

COUNTY OF ORANGE)

JOSEPH A. CATANIA, JR., ESQ., an attorney, duly affirms under penalty of perjury as follows:

1. I am not a party to the action, am over 18 years of age and reside at 628 River Road, Newburgh, New York.

NAP/lmf

11593-56070

#408873

2. On July 23, 2007, I served a true copy of the annexed Verified Answer with Counterclaims by delivering the same personally to the persons at the address indicated below:

TO: Michael Murphy, Esq.
Attorney for City of Middletown, et al.
At the Supreme Court
Hon. Joseph G. Owen's Courtroom
Goshen, New York

Dated: Newburgh, New York
July 26, 2007



JOSEPH A. CATANIA, JR., ESQ.

NAP/lmf

11593-56070

#408879

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CITY OF MIDDLETOWN, MARLINDA DUNCANSON,
INDIVIDUALLY AND IN HER OFFICIAL CAPACITY
AS MAYOR OF THE CITY OF MIDDLETOWN,
ROBERT MOSON, IN HIS OFFICIAL CAPACITY
AS PRESIDENT OF THE COMMON COUNCIL OF
THE CITY OF MIDDLETOWN, MAXINE MEYER,
INDIVIDUALLY AND IN HER OFFICIAL CAPACITY
AS A MEMBER OF THE COMMON COUNCIL OF THE
CITY OF MIDDLETOWN, JAMES ROLLINS,
INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY
AS A MEMBER OF THE COMMON COUNCIL OF THE
CITY OF MIDDLETOWN, THOMAS J. BURR, IN HIS
OFFICIAL CAPACITY AS A MEMBER OF THE COMMON
COUNCIL OF THE CITY OF MIDDLETOWN,
JOHN VANDERVOORT, IN HIS OFFICIAL CAPACITY
AS A MEMBER OF THE COMMON COUNCIL OF THE CITY
OF MIDDLETOWN, GERALD KLEINER, IN HIS
OFFICIAL CAPACITY AS A MEMBER OF THE COMMON
COUNCIL OF THE CITY OF MIDDLETOWN, RAYMOND
DEPEW, IN HIS OFFICIAL CAPACITY AS A MEMBER
OF THE COMMON COUNCIL OF THE CITY OF
MIDDLETOWN, AND JOEL SIERRA, IN HIS OFFICIAL
CAPACITY AS A MEMBER OF THE COMMON COUNCIL
OF THE CITY OF MIDDLETOWN,

AFFIDAVIT OF SERVICE

07 CV 6572 (CLB)

State Court Index
No.: 2007/6035

Petitioners,

-against-

PENCOR-MASADA OXYNOL, LLC,

Respondent.

-----X
STATE OF NEW YORK)

) ss.:

COUNTY OF ORANGE)

JOSEPH A. CATANIA, JR., ESQ., an attorney, duly affirms under penalty of perjury as follows:

1. I am not a party to the action, am over 18 years of age and reside at 628 River Road, Newburgh, New York.

NAP/lmf

11593-56070

#408879

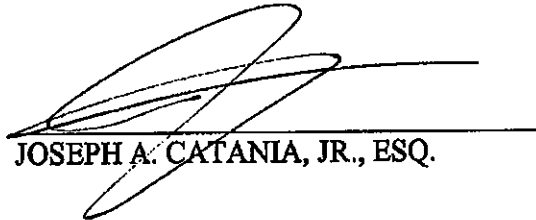
2. On July 23, 2007, I served a true copy of the annexed NOTICE OF REMOVAL and NOTICE OF FILING OF REMOVAL by delivering the same personally to the persons at the address indicated below:

TO: Michael Murphy, Esq.
Attorney for City of Middletown, et al.
At the Supreme Court
Hon. Joseph G. Owen's Courtroom
Orange County Government Center
Goshen, New York

Orange County Clerk
Orange County Government Center
Goshen, New York

Supreme Court Clerk
Orange County Government Center
Goshen, New York

Dated: Newburgh, New York
July 26, 2007



JOSEPH A. CATANIA, JR., ESQ.